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7  
8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 ABOVE THE CEILING, LLC, a Nevada  
limited liability company,

11 Plaintiff,

12 vs.

13 WESTERN ARCHITECTURAL  
14 SERVICES, LLC, a foreign limited liability  
company; THE HASKELL COMPANY, a  
15 foreign corporation; CORPORATION OF  
THE PRESIDING BISHOP OF THE  
16 CHURCH OF JESUS CHRIST OF  
LATTER-DAY SAINTS, a foreign non-profit  
17 corporation; TRAVELERS CASUALTY  
AND SURETY COMPANY OF AMERICA,  
18 a foreign corporation; DOES I through XX;  
ROE CORPORATIONS XXI through XL,

19 Defendants.

20  
21 AND ALL RELATED MATTERS.

Case No. 2:15-cv-01766 JAD-GWF

**JOINT MOTION BY PLAINTIFF AND**  
**~~(PROPOSED)~~ ORDER TO EXTEND**  
**DISCOVERY DEADLINES PURSUANT**  
**TO L4 26-4**

**(SECOND REQUEST)**

22  
23 COMES NOW Plaintiff Above the Ceiling, LLC, and Defendants Western Architectural  
24 Services, LLC ("Western Architectural") and Corporation of the President to the Church of Jesus Christ  
25 of latter-day Saints (the "LDS Church") (collectively referred to herein as "Defendants", jointly move  
26 this honorable Court for an extension of all applicable discovery deadlines. This is the second requested  
27 extension of the discovery deadlines.

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I.

**Discovery Completed**

The parties have submitted initial disclosures, and written discovery has taken place or is underway. Western Architectural has provided responses to Plaintiff's Requests for Production of Documents and Interrogatories. The LDS Church has also responded to Plaintiff's Requests for Production of Documents and Interrogatories. Plaintiff has provided its responses to Defendants' Requests for Production of Documents. The deposition of Jerry Williams was taken on August 3, 2016.

II.

**Discovery to be Completed**

The amount of discovery to be completed will depend in part upon whether the LDS Church remains in the case. This action involves claims by Above the Ceiling that it was not fully paid for work on an LDS temple located in Tijuana, Mexico. The LDS Church has offered proof that it made all payments required of it under the construction contracts, and upon satisfactory information being provided, the LDS Church anticipates that it will no longer be part of this case. Defendants The Haskell Company and Travelers Casualty and Surety Company of America were previously dismissed from the case on October 19, 2015 (Doc. #16)

If the LDS Church remains in the case, it will need to take depositions of Above the Ceiling's corporate representative and seek documents from Above the Ceiling regarding the claims being made in the case.

For its part, Western Architectural anticipates that additional document requests and 2-3 depositions will be necessary. Among the depositions that remain is the deposition of Arturo Spencer, a former Above the Ceiling employee who is alleged to have absconded with substantial funds delivered by Western Architectural for the purpose of paying employees on the jobsite. Western Architectural believes and alleges that Mr. Spencer fled the project in Mexico and may be located in Nevada currently, and it has been attempting to locate and serve him with a deposition Subpoena. Further, the parties are currently in the process of attempting to re-set the depositions of Scott Jones and Tracy M. Jones.

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1 **III.**

2 **Reasons Additional Time Is Required and Good Cause Therefore**

3 Good cause exists to extend discovery because the parties have attempted to work toward  
4 resolution of the case through both informal and formal discovery, and the parties anticipate that the  
5 additional time permitted to complete discovery will allow the full investigation into the facts of  
6 payment and work completed at the construction project at issue. In addition, Western Architectural is  
7 having difficulty in locating Arturo Spencer and will need additional time in regards to the same.

8 The parties believe that a **90-day** extension will be sufficient to allow all matters to be  
9 investigated so that the parties will have the information necessary to prepare the case for trial if  
10 resolution cannot be reached.

11 **IV.**

12 **Proposed Schedule**

13 The current schedule has discovery closing on September 20, 2016. The parties seek  
14 approximately **90** additional days to complete discovery, according to the following proposed schedule:

15 Interim Status Report (LR-26-3):	Already submitted.
16 <b>Discovery Cutoff:</b>	<b>December 12, 2016</b>
17 Amending Pleadings:	Closed.
18 Initial/Rebuttal Expert Designations:	Closed.
19 <b>Dispositive Motions:</b>	<b>January 18, 2017</b>

20 Pretrial Order: the joint pretrial order shall be filed no later than thirty (30) days after the date  
21 for filing dispositive motions. In the event additional dispositive motions are filed, the date for filing the  
22 joint pretrial order shall be suspended until thirty (30) days after the decision of the dispositive motions  
23 or further order of the court.

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The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall be included in the pretrial order.

IT IS SO STIPULATED AND AGREED:

Dated this 26<sup>th</sup> day of September, 2016

Dated this 26<sup>th</sup> day of September, 2016.

//s// Matthew Q. Callister

**MATTHEW Q. CALLISTER, ESQ.**

Nevada Bar No. 001396

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//s// David R. Koch

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Dates this 26<sup>th</sup> day of September, 2016

//s// John E. Bragonje

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*Bishop of The Church of Jesus Christ of Latter-day Saints; Haskell de Mexico, S.A. de C.V.*

*incorrectly names as The Haskell Company; and*

*Travelers Casualty and Surety Company of America*

**ORDER**

**IT IS SO ORDERED**

Dated this 27<sup>th</sup> day of September, 2016

  
UNITED STATES MAGISTRATE JUDGE

Case No. 2:15-cv-01766 JAD-GWF